

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza
New York, NY 10006-1470

T: +1 212 225 2000

F: +1 212 225 3999

clearygottlieb.com

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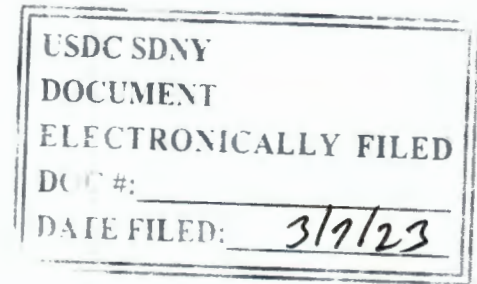
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CARINA S. WALLANCE
ALEXANDER JANGHORBANI
RESIDENT COUNSEL

D: +1 212 225 2333
memcdonald@cgsh.com

March 6, 2023

VIA ECF

Hon. Louis L. Stanton
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007



Re: *The Resource Group International Limited, et al. v. Chishti*, No. 23-cv-1760

Dear Judge Stanton:

We write on behalf of plaintiffs The Resource Group International Limited ("TRG-I"), TRG Pakistan Limited ("TRG-P"), Mohammed Khaishgi and Hasnain Aslam (collectively, "Plaintiffs") in the above-captioned action. Plaintiffs filed a notice of appeal today from this Court's order denying Plaintiffs' motion for a preliminary injunction staying the arbitration initiated by Defendant Muhammad Ziaullah Khan Chishti ("Defendant"). See Order, *TRG-I et al. v. Chishti*, No. 23-cv-1760 (S.D.N.Y. Mar. 2, 2023) (ECF No. 22) (the "Order").

The application for a stay pending appeal is denied, for lack of probability of success on the merits of a stay, and for lack of irreparable injury from the pendency of an arbitration proceeding in the interim.

So Ordered.

Cleary Gottlieb Steen & Hamilton LLP or an affiliated entity has an office in each of the locations listed above.

Louis L. Stanton

3/7/23

MEMO ENDORSED

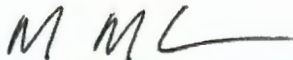
Hon. Louis L. Stanton, p. 2

Pursuant to Federal Rule of Appellate Procedure 8(a)(1)(C), Plaintiffs respectfully move this Court for a temporary injunction pending the Second Circuit's consideration of Plaintiffs' appeal of the Court's Order. Plaintiffs also intend to file an emergency motion for an injunction pending appeal in the Court of Appeals, but present that request to this Court in the first instance in accordance with Federal Rule of Appellate Procedure 8(a)(1). *See Uniformed Fire Officers Ass'n v. de Blasio*, 973 F.3d 41, 46 (2d Cir. 2020) (noting that first moving in the district court for an injunction pending appeal "is normally required"); *Agudath Israel of Am. v. Cuomo*, 979 F.3d 177, 179 (2d Cir. 2020) (finding that appellant had failed to comply with Federal Rule of Appellate Procedure 8(a)(1)(C) when it "did not 'move first in the district court'" for an injunction pending appeal) (quoting Federal Rule of Appellate Procedure 8(a)(1)(C)).

The standard for an injunction pending appeal pursuant to Federal Rule of Appellate Procedure 8(a)(1)(C) is identical to the standard this Court applied in denying Plaintiffs' motion for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65. *See LaRouche v. Kezer*, 20 F.3d 68, 73 (2d Cir. 1994) (holding that the "standard for preliminary injunctions, similar to the standard for injunctions pending appeal, dictates a weighing of the likelihood of success on the merits, irreparable injury, the balance of equities and the public interest"). For that reason and in the interest of judicial economy, Plaintiffs adopt and incorporate their prior submission and oral argument and respectfully request that this Court rule on Plaintiffs' request for an injunction pending appeal based on all parties' prior written submissions and argument at the hearing held on March 2. *See* Pls.' Mem. of Law, *TRG-I et al. v. Chishti*, No. 23-1760 (S.D.N.Y. Mar. 1, 2023) (ECF No. 10); Def.'s Mem. of Law in Opp'n, *TRG-I et al. v. Chishti*, No. 23-1760 (S.D.N.Y. Mar. 2, 2023) (ECF No. 21); Mar. 2, 2023 Hr'g Tr. (Exhibit A). Should the Court require additional briefing, Plaintiffs would be prepared to file their motion papers within one business day of being directed to do so by the Court, and would waive reply.

We thank the Court for its consideration.

Respectfully submitted,



Mark E. McDonald

*Counsel for TRG-I, Mohammed Khaishgi
and Hasnain Aslam*



S. Gale Dick

Counsel for TRG-P

cc: All Counsel of Record (via ECF)